

GLYNN & FINLEY, LLP
 CLEMENT L. GLYNN, Bar No. 57117
 ADAM FRIEDENBERG, Bar No. 205778
 One Walnut Creek Center
 100 Pringle Avenue, Suite 500
 Walnut Creek, CA 94596
 Telephone: (925) 210-2800
 Facsimile: (925) 945-1975
 Email: cglynn@glynnfinley.com
afriedenberg@glynnfinley.com
 Attorneys for Defendant and Counter-Plaintiff
 ConocoPhillips Company

UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA

HOUTAN PETROLEUM, INC.	)	Case No. 3:07-cv-5627 SC
)	
Plaintiff,	)	<u>CONOCOPHILLIPS COMPANY'S</u>
	)	<u>MOTION IN LIMINE NO. 3</u>
vs.)	
	)	<u>RE: EXCLUSION OF LAY OPINION</u>
CONOCOPHILLIPS COMPANY, a Texas	)	<u>TESTIMONY BY PLAINTIFF'S</u>
corporation and DOES 1 through 10,	)	<u>EMPLOYEES</u>
Inclusive)	
	)	Trial Date: August 18, 2008
Defendants.	)	Time: 10:00 a.m.
	)	Courtroom: 1
	)	Before: Hon. Samuel Conti

Defendant and Counter-Plaintiff ConocoPhillips Company ("ConocoPhillips") hereby moves in limine for an order precluding plaintiff's current or past employees, including Ed Haddad, from testifying at trial to any opinions or conclusions.

I. ARGUMENT

In support of its motion for preliminary injunction, Plaintiff submitted a declaration from its president, Ed Haddad, in which Mr. Haddad opined that the value of the structures, improvements and equipment at issue "does not exceed \$120,000." (Docket No. 5 ¶ 22.) He provided no foundation for this opinion, or even the calculations or evaluative methodology on which it is based. (*Id.*) Such speculation is insufficient and inadmissible to contradict, or

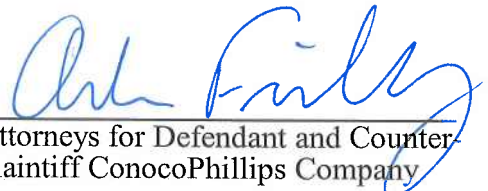
1 establish a valuation alternative to, the appraisal on which ConocoPhillips based its bona fide
2 offer. *See Mohammed v. Chevron U.S.A. Inc.*, 738 F. Supp. 1383, 1385 (M.D. Fla. 1990). Mr.
3 Haddad is not a qualified appraiser, and has not been disclosed as an expert witness in this
4 matter, and the Court should not permit unqualified expert testimony regarding the core issue:
5 i.e., the value of ConocoPhillips' property.

6 **II. CONCLUSION**

7 Mr. Haddad's conclusions and opinions about the value of the station property are based
8 on speculation and should therefore be precluded.

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10 Dated: August 8, 2008

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16 Walnut Creek, CA 94596

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By 
Attorneys for Defendant and Counter-
Plaintiff ConocoPhillips Company